

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF ANTIGUA COLLEGE
OF MEDICINE, a foreign corporation,

Plaintiff,

V

STEVEN L. WOODWARD,

Defendant.

United States District Court Judge
Patrick J. Duggan, presiding
Michael Hluchaniuk, referral
Case No.: 2:10-cv-10978

Eric A. Buikema (P58379) CARDELLI, LANFEAR & BUIKEMA, P.C. Attorneys for Plaintiff 322 W. Lincoln Royal Oak, MI 48067 (248) 544-1100 ebuikema@cardellilaw.com	STEVEN L. WOODWARD In Pro Per c/o 7211 Brittwood Lane Flint, MI 48507 Steve_L_woodward@yahoo.com
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PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR SECURITY FOR COSTS
(Docket No. 140) AND MOTION FOR SANCTIONS (Docket No. 141)

Plaintiff American University of Antigua College of Medicine ("AUA") states its Reply in Support of its Motion for Security for Costs (Docket No. 140) and Motion for Sanctions (Docket No. 141) as follows:

1. Defendant's response to the Motion for Security for Costs (Docket No. 150) fails to assert any grounds for the Court to deny such a motion.
2. Instead it focuses on Plaintiff's alleged discovery abuses and does not apparently contest that a security for costs is appropriate.

3. As such, Defendant has conceded the motion and the Court should grant Plaintiff's Motion (Docket No. 140) and order that a security bond be posted.

4. Similarly, Defendant's response to the Motion for Sanctions for Failure to Comply with Court Order Compelling Discovery (Docket No. 150) fails to adequately

5. Instead, Defendant responds with a near verbatim recitation of the screed of alleged discovery abuses he filed at Docket No. 150.

6. Nowhere in his filing does he assert that his discovery responses are adequate or "full and complete."

7. Instead, he conflates the duces tecum document production associated with his deposition with the request for production of documents that the Court ordered.

8. Defendant did not "organize and label" the documents to correspond to the categories in Plaintiff's requests, in violation of Fed. R. Civ. P. 34(b)(2)(E)(i).

9. Instead he produced a banker's box of items of dubious relevance (e.g. community college certificates from the 1990s, etc.).

10. Defendant has not complied with the letter or spirit of Fed. R. Civ. P. 34 and an order of sanctions is appropriate.

11. Similarly, he fails to assert that his interrogatory responses are "full and complete."

12. Instead, he seemingly relies on the fact that he could have been asked questions about the interrogatory responses at his deposition and that this somehow excuses his obligation to provide responses.

13. This is a flawed premise. As an initial matter, Plaintiff's counsel was not served with Defendant's interrogatory responses until moments before his deposition began and had no opportunity to review the same.

14. Similarly, Defendant did not include in his responses the interrogatory questions themselves. (See Docket No. 141-4 and 141-5). Plaintiff's counsel did not have a copy of these questions. Without the questions, no meaningful articulation of the sufficiency of Plaintiff's answers could be determined.

15. Regardless, the opportunity to ask questions is irrelevant as to his duties to provide "full and complete" discovery responses.

16. The Court can determine from Defendant's responses (Docket No. 141-4) that they are far from "full and complete" and arise to a sanctionable level in light of Defendant being advised on a number of occasions that he needed to participate in discovery in good faith. He has failed to do so and sanctions are appropriate.

Wherefore Plaintiff respectfully requests that the Court grant its Motion for Security for Costs (Docket No. 140) and Motion for Sanctions (Docket No. 141).

Respectfully submitted,

/s/ Eric A. Buikema (P58379)
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Dated: May 17, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Plaintiff's Reply in Support of Motion for security for Costs (Docket No. 140) and Motion for Sanctions (Docket No. 141) and this Certificate of Service were served upon Steven L. Woodward, Defendant, via his email address Steve_L_woodward@yahoo.com and First Class U.S. mail to Steven Woodward, c/o 7211 Brittwood Lane, Flint, MI 48507 on May 17, 2011.

/s/ Eric A. Buikema
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**BRIEF IN SUPPORT OF PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR
SECURITY FOR COSTS (Docket No. 140) AND MOTION FOR SANCTIONS (Docket
No. 141)**

Plaintiff relies on its prior motions (Docket Nos. 140 and 141), the authority set forth therein and the sound discretion of this Honorable Court.

Respectfully submitted,

/s/ Eric A. Buikema (P58379)
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